

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DANA GIBSON,
Plaintiff,

FIRST AMENDED
CIVIL RIGHTS
COMPLAINT

- against -

ANDREW M. LUDMO,
ANTHONY J. ANNUNCI,
ERIC GRAFF, DARYL
MCKENZIE, DAVID
BALLANT, THOMAS
LOCHMAN, NEW YORK
STATE CORRECTIONS
AND COMMUNITY
SUPERVISION, MIYATA
D. MADDOX, HOPE
OBERTEAN, TIMOTHY
HUNTER, JASON PEDUFEN,
KRISTOPHER M. STABICKI,
PARRIS PRICE, JONATHAN
SEAY, GEORGE BROWN,
AND DARRI MCGUIRE,
Defendants.

20-CV-01455-JLS



PLEASE TAKE NOTICE, Pursuant to 42
U.S.C. § 1983, 28 U.S.C. § 1343, and
Rule 3 of the Federal Rules of Civil Procedure
(Fed. R. Civ. P.), Plaintiff, DANA GIBSON, DOB
Se, Commence this First Amended Civil Rights
Complaint.

VENUE AND JURISDICTION

1. Venue is appropriate in this judicial

district. According to 28 U.S.C. § 1391 (e) (2), because the events giving rise to Plaintiff's claims at all relevant times and approximate times was initiated and or concluded in this judicial district (i.e., Erie County of the State of New York).

2. In accordance with Fed. R. Civ. P. 8, (a) (1) and 2D (a) (2) (a), this Civil Rights Action arises under violations of Amendment I, VIII, XIV to the United States Constitution, 42 U.S.C. § 1983, and the Stigma Plus Doctrine. Jurisdiction is invoked pursuant to 28 U.S.C. §§ 112 (1), 1331, 1391, 2201, and 2202.

3. Also this Civil Rights Action arises under violations of the New York State Correction Law § 70 (2) (c), Title 7 of the Compilation of Codes, Rules and Regulations of the State of New York (N.Y.C.R.R.) § 251-4.2, and Article I, § 5 to the New York State Constitution. Supplemental jurisdiction is invoked pursuant to 28 U.S.C. § 1367.

TYPE OF TRIAL

4. Pursuant to Fed. R. Civ. P. 38, Plaintiff hereby demands a trial by jury of this Civil Rights Action.

PARTIES

5. DANA GIBSON ("Gibson") is a transgender incarcerated individual and pro se Plaintiff in this Civil Rights Action. Plaintiff Gibson's current address is the Africa Correctional Facility, 639 Exchange Street, P.O. Box 149, Africa, New York 14011-D149.

6. ANDREW M. LUDMO ("Ludmo") At All Relevant Dates And Approximate Times Was The Governor Of The State Of New York And Lead Defendant In This Civil Rights Action. Defendant Ludmo's Last Known Address Is The New York State Governor's Office, 633 Third Avenue, New York, New York 10017.

7. The Following Are Additional Defendants To This Civil Rights Action:

A. NEW YORK STATE CORRECTIONS AND COMMUNITY SUPERVISION ("DOCCS"). Defendant DOCCS Is Currently Located At 122D Washington Avenue, Albany, New York 12226-2050.

B. ANTHONY J. ANNUNCI ("Anunci") Is The DOCCS Acting Commissioner. Defendant Anunci's Current Address Is DOCCS, 122D Washington Avenue, Albany, New York 12226-2050.

C. DOCCS Correction Officer ("C.O.") THOMAS COCHRAN ("Cochran"). Defendant Cochran's Current Address Is Auburn Correctional Facility ("Auburn, C.F."), 135 State Street, P.O. Box 618, Auburn, New York 13024-D618.

D. Retired DOCCS Correction Sergeant ("Sgt.") ERIC GRAFF ("Graff"), Retired DOCCS Correction Officers' ("C.O.'s") DARYL MCKENZIE ("McKenzie") DAVID BALLONI ("Balloni"). Defendants Graff, McKenzie, And Balloni Can Be Served And Located At DOCCS Counsel's Office, 122D Washington Avenue, Albany, New York 12226-2050.

E. DOCCS Correction Officer ("C.O.") JASON PEDUFEN ("Pedufen"), KRISTOPHER M. SZABLIK ("Szablick"), PARRIS PRICE

("Price"), JONATHAN SEAY ("Seay"), MIYATA D. MADDOX ("Maddox"), GEORGE BROWN ("Brown"), DDCLS Correction Sergeant ("Sgt.") TIMOTHY HUNTER ("Hunter"), DDCLS Correction Lieutenant ("Lt.") DARRI MCGUIRE ("McGuire"), DDCLS Nurse Practitioner - Family Health ("NP.") HOPE OBERTEAN ("Obertean") All are currently located at the Weale Correctional Facility ("Weale C.F.") 3040 Weale Road, P. O. Box 1187, Alden, New York 14004-1187.

CAPACITIES

8. Plaintiff commence this Civil Rights Action Against defendants LUDWIG, ANNUNCI, LOCHRAN, GRAFT, MCKENZIE, BALDINI, MADDOX, PEQUERRE, SZABLICKI, PRICE, SEAY, HUNTER, OBERTEAN, BROWN, AND MCGUIRE in their individual capacities for willful violations of the United States Constitution and laws of the State of New York for which Plaintiff seek Monetary Relief i.e., Compensatory and Punitive damages).

9. Also Plaintiff commence this Civil Rights Action Against defendant DDCLS in its official capacity for violations of the United States Constitution and applicable laws and regulations of the State of New York for which Plaintiff seek prospective Relief i.e., Injunction and Declaratory Judgment).

IMPORTANT NOTICE

10. While this Civil Rights Action asserts, inter alia, United States Constitutional procedural and substantive due process violations which occurred in the context of a prison disciplinary hearing proceeding, it is important that notice be given that Plaintiff is currently seeking a

Prison term sentence which include a Maximum term of life imprisonment, and thus is ineligible for Good Time Credit under the Chapter of New York State Law. Accordingly, a favorable and final Resolution of Plaintiff's due process claim would not implicate or affect the overall length of Plaintiff's prison term sentence. Plaintiff hereby agree to abandon former and claim she have, had, or may have in the present and or future with respect to the disciplinary sanctions that affect the length of her imprisonment (i.e., loss of Good Time Credits).

STATEMENT OF CLAIM

11. Pursuant to Fed. R. Civ. P. 8 (a)(2), Plaintiff commence this Civil Rights Action based upon the following causes of action:

FIRST CAUSE OF ACTION

12. Plaintiff claim in the context of a custom of mismanaging preventative measures to prevent the exposure to, contraction of, and spread of the Coronavirus ("COVID-19") her rights Amendment to the United States Constitutional according to the Cruel and Unusual Punishment Clause was violated as were her rights in accord with Article 1, § 5 to the New York State Constitutional according to the Cruel and Unusual Punishment Clause, and § 70 (2)(c) of the New York State Correction Law by and through the actions of negligence, gross negligence, carelessness, recklessness, failure to protect, deliberate indifference, and callous indifference of defendants Cuomo, Annunzio, Cochran, Graff, McKenzie, Randall, and Dolis.

13. On or about March of 2020, defendants

Cuomo, Annuncci, And DDCLS was given official warning by the Center For Disease Control And Prevention ("CDC"), the New York State Department Of Health ("DDH"), And Other Reputable Health Physicians' And Organizations Of The Risk Of Serious Harm posed to the present as well as the future physical, cardiological, neurological, And psychological health states of exposure to And the subsequent contraction of the COVID-19 virus by all citizen residents residing within the State of New York, which included long term incarcerated individuals residing within penitentiaries, like Plaintiff, which are owned, regulated, And operated by defendants' Cuomo, Annuncci, And DDCLS. Moreover, defendants' Cuomo, Annuncci, And DDCLS were for warn of the risk of serious physical, neurological, cardiological, And psychological harm posed by COVID-19 exposure by persons asymptomatic And subsequent contraction by incarcerated individuals residing within long term penitentiaries with pre-existing respiratory ailments including, but not limited to Asthma.

14. Based upon such health warnings the CDC, DDH, And Other Reputable health And human rights organizations urged defendants' Cuomo, Annuncci, And DDCLS to immediately implement a comprehensive proactive health And safety policy, protocol, And procedure for the operation of its penitentiaries And vehicles to prevent the exposure to, contraction of, And spread of the COVID-19 virus within such penitentiaries And vehicles. Specifically, the CDC, DDH, Health Physicians, And Human rights organizations urged defendants' Cuomo, Annuncci, And DDCLS to implement health protocols And policies for the use of social distancing And the wearing of personal protective equipment ("PPE") surgical-type face masks And other forms of face covering by DDCLS staff And incarcerated individuals, suspending the use of internal DDCLS transfers of

16. Upon being seated on the DDLS bus, Plaintiff asked defendants: GRAFT, MCKENZIE, BOLLINI, and Lockman why they had emergency on the

15. Subsequently, based upon such questions and replies under the auspices of defendants: LUMM, HANCOCK, and DDLS, on or about March 17, 2020, at approximately 10:20 am., at the Auburn C.F. a peacefully lined and departed by defendants: LUMM, HANCOCK, and DDLS, defendants: MCKENZIE, GRAFT, BOLLINI, and Lockman without speaking and form of a P.E. or any other type of face covering, secured Plaintiff, a well known and documented asthmatic, incarcerated individual, in mechanical body restraints with constraints of headrests, positioned in front of her body with Plaintiff, almost chest and leg restraints. Plaintiff was then escorted to an awaiting DDLS bus by defendants: BOLLINI, GRAFT, Lockman, and MCKENZIE. The Plaintiff was forced to be seated among approximately twenty other mechanically restrained incarcerated individuals without any form of face masks and or face covering.

interfered individuals to and from DDLS ventilators in DDLS vehicles, requiring the deep cleaning of the interior of all DDLS vehicles, and installing and using an air filtration ventilation system that filter the DDLS-19 virus spores without its ventilators. In these areas required health and safety measures to prevent the exposure to, contact and spread of the DDLS-19 virus, to, contact and spread of the DDLS-19 virus, and prevent a transmissible disease health and safety and prevent the exposure to, contact and spread of the DDLS-19 virus, and prevent the status and status of defendants, implemented prior to the DDLS-19 pandemic.

DDCS Bus Already Not Wearing Face Masks' and Practicing Social Distancing on the bus? In Full Response to such question, As Defendants' McKenzie, Ballard, and Cochran Looked on and Failed to intercede, defendant GRAFF stated to Plaintiff "We don't have to do all that shit because neither Governor Cuomo, nor DDCS require or permit such." Plaintiff was forced to remain seated during the bus ride which was destined for Wendt C.F. without any form of Adequate Air Ventilation for approximately four hours.

17. On or About Tuesday, March 17, 2020, At approximately 3:30 pm., shortly after arriving at Wendt C.F., which is a privately owned and operated by Defendants' Cuomo, Annunzio, and DDCS, Plaintiff was assigned housing in the "C"-Block, "15"-Company ("C-15") general population prisoners' housing area of the Wendt C.F. where about neither P.P.E. face masks nor any type of other face covering was required nor permitted by Defendants' Cuomo, Annunzio, and DDCS for incarcerated individuals and DDCS staff alike. Moreover, the C-15 prisoners' housing area of Wendt C.F. Failed to have and or use an Air-Filtration Ventilation system that filter out the COVID-19 virus spores. Based upon Plaintiff being transported and housed under such conditions and environment, on or about Wednesday, March 18, 2020, At approximately 10:40 am., Plaintiff was rushed to the Wendt C.F. infirmary for breathing complications and a fever where about it was medically discovered through COVID-19 virus testing that Plaintiff was exposed to the COVID-19 virus and subsequently contracted the COVID-19 virus.

18. Upon testing positive for contracting the COVID-19 virus twice and experiencing

Respiratory complications associated with contracting the COVID-19 virus, on or about March 19, 2020, at approximately 1:45 pm., while still imprisoned in the Wendle L.F. Infirmary, Plaintiff was transported by Emergency Medical Services ("EMS") vehicle to the Erie County Medical Center ("ECMC") for urgent medical care and treatment for COVID-19 virus contraction. After weeks of hospitalization and medical attention at ECMC it was medically determined through COVID-19 virus trace testing that Plaintiff contracted the deadly COVID-19 virus either during her March 17, 2020, DOCS bus trip from Auburn L.F. to Wendle L.F. and/or while housed in the C-15 prisoners' housing area of the Wendle L.F. on March 17, 2020 to March 18, 2020. Subsequent to having been exposed to the COVID-19 virus and later contracting the COVID-19 virus based upon such exposure, Plaintiff sustained permanent physical injuries in the form of lung damage and respiratory problems. Moreover, Plaintiff is likely to have sustain long term physical, psychological, cardiological, and neurological injuries in the future which too may be permanent.

SECOND CAUSE OF ACTION

19. Plaintiff claim in the context of the unlawful destruction of her prison grievance complaint her First Amendment Right to the United States Constitutional According to the Freedom of Speech clause was violated as to the actions of callous indifference, retaliation, negligence, carelessness, recklessness of Defendant Madoux

20. On or about Thursday, April 9, 2020, at approximately 2:00 pm., while imprisoned in the "I"-Block, "16"-Company, "18"-Cell ("I-16-18")

general population prisoners housing area of the Wendell L.F., Plaintiff requested that Defendant Maddox, whom was collecting incarcerated individuals outgoing mail, to place her prison grievance complaint, which was based upon Defendant Maddox's destruction of Plaintiff's assigned housing area in cell light fixture, in the penitentiary drop-box labeled "Inmate Grievance Program" for filing, investigation, and resolution of such complaint. In response to Plaintiff's request Defendant Maddox stated to Plaintiff "Fuck you - you really think I am going to let you send grievances and complaints to people about me out". At such time Defendant Maddox proceeded to rip Plaintiff's April 8, 2020, prison grievance complaint in half.

21. Defendant Maddox's actions of destroying Plaintiff's prison grievance complaint as a retaliatory act thwarted Plaintiff's protected attempt to obtain a just, speedy, and inexpensive resolution of Plaintiff's issue of complaint.

THIRD CAUSE OF ACTION

22. Plaintiff claim in the context of an Act of excessive utilization of physical force her Eighth Amendment right to the United States Constitution according to the Cruel and Unusual Punishment Clause was violated as were her Fourteenth Amendment right to the United States Constitution according to the equal protection clause was violated by and through the actions of failure to protect, negligence, gross negligence, deliberate indifference, recklessness, callous indifference, and carelessness of Defendants' Pappert, Szabliski, Price, Seay, Hunter, and Oberman.

23. On or about Wednesday, April 15, 2020, at approximately 10:34 am., while imprisoned in the Mental Health Unit's Observational ("DBS"), "5"-

Cell ("MHU-DBS-5") Prisoners' housing Area of the Wendell L.F., Plaintiff was given a direct order by defendant Peyuene to submit to a strip Frisk. As Plaintiff attempted to comply with such order defendant Peyuene stated to Plaintiff "Gibson, your black ass brought that Cordobas here infecting us good people - you motherfucker..." At such time without provocation or just cause, As defendants' Price, Szablicki, Seay, and Hunter locked on and failed to intercede to stop defendant Peyuene, defendant Peyuene with a closed fist struck Plaintiff about her nose causing Plaintiff to sustain a painful fractured and bloody nose. As Plaintiff fell to the cell floor in pain both defendants Szablicki and Peyuene proceeded to kick Plaintiff about her upper and lower body extremities for approximately five to ten minutes As Plaintiff lied defenseless in extreme pain on the cell floor. All the while defendants Seay, Price, and Hunter continued to look on and failed to intercede and or stop the physical attack on Plaintiff by defendants Peyuene and Szablicki.

24. Thereafter the physical attack on Plaintiff by defendants Szablicki and Peyuene, defendant Dbertean was summoned by a DOLCS Registered Nurse ("RN.") Prishel to administer urgent medical care and treatment to Plaintiff for her painful bloody and fractured nose. At such time without any form of physical examination of Plaintiff's nose, defendant Dbertean refused to administer any medical care and or treatment to Plaintiff's nose injury stating to Plaintiff "Gibson, you need to pick better fights - those two guys are not the Dales... I work with Jason Peyuene's family in R.M.U. I know they are no joke". At such time defendant Dbertean proceeded to cover up the physical attack on Plaintiff by refusing to medically order X-RAYS of Plaintiff's nose to determine the

degree of the nose fracture. Subsequently, by and through the actions of defendants Seay, Price, Oberholt, Hunter, Szabliski, and several plaintiff sustained permanent, present and future, physical injuries to her nose.

FOURTH CAUSE OF ACTION

25. Plaintiff claim in the context of a DDCCS prison disciplinary hearing depriving her Fourteenth Amendment right to the United States Constitution in accord to both the procedural and substantive due process clauses was violated and her Eighth Amendment right to the United States Constitution according to the cruel and unusual punishment clause was violated as were 7, N.Y.C.R.R. § 251-4.2 violated by and through the actions of negligence, stigma plus, egregious, outrageous, callous indifference, carelessness, gross negligence, recklessness, deliberate indifference, and the imposition of grossly disproportionate disciplinary penalties on the part of defendants Brown, McGuire, and DDCCS.

26. On or about Friday, May 29, 2020, at approximately 9:05 a.m., while imprisoned in the general population of the Weir L.F. Plaintiff was served with two separate DDCCS Inmate Misbehavior Reports ("IMR's") dated Wednesday, April 15, 2020, by I.D. N. W. Hebert ("Hebert") and I.D. Szabliski. Purported in such IMR's, respectively, that Plaintiff allegedly violated numerous DDCCS standards of inmate behavior and subsequent to such allegations Plaintiff was confined in and under solitary confinement status pending the full resolution of such allegations.

27. On or about Friday, May 29, 2020, while confined in and under solitary confinement status at the Weir L.F. Plaintiff was assigned the pre-

hearing employee Assistance of defendant Brown in connection with the IMR's of CD. Hebert and CD. Szablicki to prepare a defense to the alleged DDLS Rule Violations. Accordingly, in an attempt to ascertain relevant information and relevant documentary evidence needed to marshal the alleged facts of the purported incidents of misconduct to prepare a defense to the alleged DDLS Rule Violations Plaintiff requested that defendant Brown obtain and provide her with Parts "A", "B", "C", "D", "E" of the DDLS Use of Force Report. Also Plaintiff requested that defendant Brown interview as witnesses CD. Spurren and CD. Szablicki. Shortly thereafter, defendant Brown refused to interview as witnesses CD. Szablicki and CD. Spurren, when Plaintiff asked the reason for his refusal, defendant Brown stated to Plaintiff "These are staff and friends - I will not interview them as your witnesses". Also without just cause and/or reason defendant Brown refused to obtain and provide Plaintiff with Parts "B", "C", "D", and "E" of the DDLS Use of Force Report daily stating to Plaintiff "get it at the hearing from the hearing officer".

28. On or about Thursday, June 4, 2020, at approximately 10:59 am., while still imprisoned in the Menard L.F. under solitary confinement status, Plaintiff was summoned to appear at a DDLS personal disciplinary hearing proceeding before defendant McGuire as the presiding hearing officer. Before the commencement of the instant hearing and the presentation of any evidence, off the hearing record defendant McGuire stated to Plaintiff "Gibson, I have reviewed your disciplinary history from this bid and your prior bid in 1992 - you did what the report said, what would my (sic) staff lie - you guilty and that's that". Based upon defendant McGuire's statement of personal perspective without evidence he predetermined Plaintiff's guilt of violating the alleged DDLS Rules purported and prejudiced any evidence presented to

the contrary of his expressed perspective introduced at the instant hearing. Accordingly, shortly thereafter defendant McGuire commenced the instant hearing by formally charging plaintiff with having allegedly violated numerous rules of DDLS standards of inmate behavior purported by CD. Hebert and CD. Szablicki which included refusing direct orders, loss or damage property, assault on staff, violent conduct, treating a disturbance, and refusing a search or frisk. Upon being formally read such alleged rule violations plaintiff entered a plea of not guilty to all alleged DDLS rule violations.

29. After entering a plea of not guilty to all the alleged DDLS rule violations, in preparation for the instant hearing, plaintiff proceeded to object to the instant hearing proceeding in its entirety based upon the lack of pre-hearing employee assistance she received in preparation for such hearing from defendant Brown. Specifically, plaintiff objected based upon defendant Brown's refusal to interview witnesses requested and to obtain and provide her with Parts "B", "C", "D", and "E" of the DDLS Use of Force Report as was requested. In response to such objections defendant McGuire noted plaintiff's objections and endorsed defendant Brown's refusal to interview requested witnesses citing defendant DDLS unwritten custom that an assigned pre-hearing employee assistant in connection with a DDLS prison disciplinary hearing proceeding is prohibited from interviewing requested staff witnesses which is in direct infringement with defendant DDLS official form regulations (i.e., Title 7, N.Y.C.R.R. § 251-4.2). Also defendant McGuire apprised plaintiff he would check on providing her with the parts of the DDLS Use of Force Report not provided by defendant Brown and proceeded forward with the instant DDLS prison disciplinary hearing proceeding and forced plaintiff to proceed with such hearing ill-prepared and unable to

Assert only Form of a defense to the alleged DDLS Rule Violations. Shortly thereafter the instant DDLS prison disciplinary hearing proceeding was adjourned.

30. On or About Friday, June 12, 2020, defendant McGuire recommended the instant DDLS prison disciplinary hearing proceeding to take the witness testimony of LD. Hebert. After LD. Hebert testified defendant McGuire asked plaintiff to assess the credibility of LD. Hebert's testimony for him and in doing so defendant McGuire attempted to coerce an admission from plaintiff that she violated such purported DDLS Rule Violations. Shortly thereafter, defendant McGuire adjourned such hearing. On or About Tuesday, June 16, 2020, at approximately 7:00 pm., defendant McGuire recommended the instant DDLS prison disciplinary hearing proceeding outside of plaintiff's presence, without providing plaintiff with the parts of the DDLS Use of Force Report not provided by defendant Brown prior to the instant hearing. Defendant McGuire proceeded to render a disposition in the instant DDLS prison disciplinary hearing proceeding finding plaintiff guilty of all alleged DDLS Rule Violations purported in the IMR's of LD. Hebert and LD. Szabick without providing plaintiff with a written statement of the evidence relied upon and the reason for the disposition of guilt. Defendant McGuire imposed upon plaintiff the penalties of One-Hundred and Twenty (120) days confinement in solitary confinement with corresponding loss of privileges (i.e., packages and commissary), and a One-Hundred and Ninety-Five Dollars (\$195.00) Restitution.

31. On or About Sunday, June 21, 2020, upon being advised by DDLS Staff at the Wende C.F. that a disposition was rendered by defendant McGuire in the instant DDLS prison disciplinary hearing proceeding, plaintiff, bluntly, commented that Administrative Appeal of defendant McGuire's disposition

Of such Administrative Appeals Panel. It is to be noted that the following pre-hearing procedures are required: (1) The Administrative Panel shall be composed of three members, one of whom shall be a representative of the public, one shall be a representative of the industry, and one shall be a representative of the government. (2) The Administrative Panel shall be composed of three members, one of whom shall be a representative of the public, one shall be a representative of the industry, and one shall be a representative of the government. (3) The Administrative Panel shall be composed of three members, one of whom shall be a representative of the public, one shall be a representative of the industry, and one shall be a representative of the government.

And psychological health states. Moreover, defendant McGuire's instant DDLS prison disciplinary hearing proceeding disposition of guilt stigmatized Plaintiff as being an inherent assaultive danger to DDLS staff, in such, Plaintiff's reputation was severely damaged as she was permanently prohibited from part in DDLS rehabilitative therapeutic programming.

RELIEF REQUESTED

33. Pursuant to Fed. R. Civ. P. 8 (a)(2), And 42 U.S.C. §§ 1997 and 1997e, And based upon the foregoing actions of the aforementioned defendants, the Plaintiff seek the relief of:

A. FIRST CAUSE OF ACTION: One Million dollars (\$ 1, 000, 000.00) in compensatory damages And One Million dollars (\$ 1, 000, 000.00) in punitive damages individually from defendants Ludmo, Falucci, Gruff, McKenzie, Cochran, And Balloni. Also Plaintiff seek declaratory judgment for defendant DDLS violation of Plaintiff's rights according to both the United States Constitution And New York State Law.

B. SECOND CAUSE OF ACTION: One Million dollars (\$ 1, 000, 000.00) in compensatory damages And One Million dollars (\$ 1, 000, 000.00) in punitive damages from defendant Maddox.

C. THIRD CAUSE OF ACTION: One Million dollars (\$ 1, 000, 000.00) in compensatory damages And One Million dollars (\$ 1, 000, 000.00) in punitive damages individually from defendants Szabliski, Peypert, Seay, Price, Hunter, And Oberstein.

D. FOURTH CAUSE OF ACTION: One Million dollars (\$ 1, 000, 000.00) in compensatory damages And One Million dollars (\$ 1, 000, 000.00) in punitive damages individually from defendants Brown And

Mr. Guire. Also Plaintiff seek declaratory judgment for defendant DDLS' actions and custom in violating Plaintiff's rights according to the United States Constitution and New York State Law and Regulations.

e. Reasonable Attorney Fees, pursuant to 42 U.S.C. § 1988, and the costs and fees of this action, including the filing fees, and

f. Such other and or further relief as may be deemed just and proper according to law.

Dated: October 1, 2021
Alicia, New York

Respectfully Submitted,
/s/ DANA GIBSON
PLAINTIFF, PRO SE

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Patrick J. Healy
Chief Deputy Clerk
% COURT CLERK'S OFFICE
United States District Court
Western District of New York
2 NIAGARA SQUARE
BUFFALO, N. Y. 14202-3498

Re: Gibson V. Cuomo et al.
20-CV-D1455-JLS

Dear Mr. Healy:

Respectfully, As I Am the PRO SE PLAINTIFF in
the Above Captioned Civil Rights Action, Enclosed
FOR FILING Please Find PLAINTIFF'S First Amended
Civil Rights Complaint. Please Forward Such
to Judge Sinatra For judgement. Thank you...

Respectfully,
DANA GIBSON

Enclosure

ATTICA CORRECTIONAL FACILITY

BOX 149

ATTICA, NEW YORK 14011-0149

NAME:

DANA GIBSON

DIN:

D5-A-3824

A-3-7

OCT -7 2021

LEGAL MAIL

Mailed: Oct. 1, 2021

BUFFALO NY 14202

5 OCT 2021 PM 5:11

CORRECTIONAL FACILITY

10/05/2021

US POSTAGE

\$001.13

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TO: Patrick J. Healy
Chief Deputy Clerk
% COURT CLERK'S OFFICE
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK
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